

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 SUSANNE CHRISTEN,

5 Plaintiff,

6 v.

7 UNITED STATES OF AMERICA,

8 Defendant.
9

Case No. 2:17-cv-00763-APG-PAL

**ORDER GRANTING MOTION TO
DISMISS**

(ECF No. 8)

10 Defendant United States of America moves to dismiss plaintiff Susanne Christen's claim
11 for negligent infliction of emotional distress ("NIED"). The United States argues that Nevada
12 law (which informs this Federal Tort Claims Act case against the United States) recognizes NIED
13 claims only for bystanders, and Christen is not a bystander to her own harm. The United States
14 also argues that because Christen asserts a negligence claim for which she can pursue emotional
15 distress damages, her NIED is redundant. Christen agrees to not oppose dismissal of her NIED
16 claim given that she can recover emotional distress damages related to her negligence claim. It is
17 unclear why the parties could not have resolved this issue without the need for court intervention.

18 IT IS THEREFORE ORDERED that defendant United States of America's motion to
19 dismiss **(ECF No. 8) is GRANTED**. Plaintiff Susanne Christen's claim for negligent infliction
20 of emotional distress is dismissed.

21 DATED this 25th day of August, 2017.

22
23 
24 ANDREW P. GORDON
25 UNITED STATES DISTRICT JUDGE
26
27
28